

Appl. No. 09/840,296
Response dated: June 16, 2005

REMARKS/ARGUMENTS

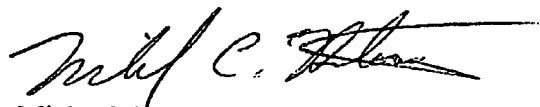
Claims 1-25 are pending. Claims 1-25 have been rejected as being anticipated by or obvious in view of U.S. Patent No. 6,049,525 ("Takahashi"). The present Action maintains the rejection presented in the prior Action dismissing the Applicants prior arguments as non-persuasive. Applicant respectfully requests reconsideration of the arguments previously presented for the reasons provided herein.

Claims 1-25 require that the working and protection equipment operate over the same fiber. Takahashi, while extensive, does not disclose or teach that limitation; presumably, because the teachings of Takahashi appear to concern providing completely separate working and protect systems, which teaches away from the claimed invention. The present and prior Actions do not address this limitation, presumably because Takahashi does not address it. As such, the present rejection of the claims is not proper.

In view of this response, Applicant respectfully requests that the present rejections be withdrawn and the claims passed to allowance. Alternatively, Applicant requests that Final status be withdrawn and the rejection be amended to identify the basis for rejecting the "over the same fiber" limitation, which will allow the Applicant to respond more fully.

Applicants believe that no additional fees are due with this response. However, the Commissioner is authorized to charge any fees, including those under 37 CFR 1.16 and 1.17, necessitated by this amendment and credit any overpayments to Deposit Account No. 500477.

Respectfully submitted,



Michael C. Antone
Registration No. 39,094
443-259-4150

CORVIS Corporation
7015 Albert Einstein Drive
Columbia, MD 21046-9400